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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,598	03/17/2004	Sakari Kotola	4208-4183 (NC45113)	1909

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MORGAN & FINNEGAN, L.L.P.  
3 WORLD FINANCIAL CENTER  
NEW YORK, NY 10281-2101

EXAMINER
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NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,598	<b>Applicant(s)</b> KOTOLA ET AL.	
	<b>Examiner</b> SIMON D NGUYEN	<b>Art Unit</b> 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-37,39 and 41 is/are allowed.
- 6) ☒ Claim(s) 1-7,10-19,38 and 40 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☒ Claim(s) 42-44 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-41, drawn to a short-range wireless communication, classified in class 455, subclass 41.2.
  - II. Claims 42-44, drawn to a display, classified in class 455, subclass 566.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the independent claim 42 discloses in detail how to display the service link site. The subcombination has separate utility such as a dynamic menu, a recent menu and a save menu for displaying.
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. John A. Harroun on 5/27/05 a provisional election was made without traverse to prosecute the invention of group I,

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claims 1-41. Affirmation of this election must be made by applicant in replying to this Office action. Claims 42-44 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7, 10-19, 38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wynblatt et al. (6,219,696) in view of Ausems et al. (US 2003/0013483).

Regarding claim 1, Wynblatt discloses a drive-by internet information distributing information to a mobile terminal (26), wherein the system having a local agent (28) for distributing information to the mobile terminal via a short range transmitter (abstract, fig.2), comprising: receiving a remote service link (URL) across a SWR by a service provider (42) (column 2 lines 40-48, 59-67, column 4 line 62 to column 5 line 8); deleting

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(dropping) stored links when a queue is full to make room for a new one (column 4 lines 35-37); storing the service link (column 2 line 42). It should be noted that Wynblatt discloses a display (34 of fig. 2). However, Wynblatt does not specifically disclose displaying a representation of the received service link.

Ausems, discloses a PDA receiving a short range wireless signal related to the information of multiple linked pages (paragraphs 17, 31), wherein the information is stored and displayed (paragraphs 18, 76-77). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Wynblatt, modified by Ausems in order to view a service link to be contact.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 1, wherein a stored program code, a processor for executing the stored program code are inherently in the system in order to make it works.

Regarding claim 40, this claim is rejected for the same reason as set forth in claim 1, wherein the program product is inherently in the system for executing the service.

Regarding claims 4-5, Wynblatt further discloses user activating the links (column 4 line 9-22) of a mobile (wireless) terminal (column 3 line 66), which inherently used in a cellular communication network.

Regarding claims 2-3, 6-7, 10-12, Wynblatt discloses the links (URLs) stored in a URL queue. However, Wynblatt does not specifically disclose storing in a folder, displaying folder menu, icons, service type, telephone number.

Ausems discloses a PDA receiving a short range wireless signal related to the information of multiple linked pages (paragraphs 17, 31), wherein the information is stored in a folder menu, and being displayed in a form of the folder menu, icons and service type (paragraphs 18, 76-81), telephone numbers (paragraph 48). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Wynblatt, modified by Ausems in order to shorten a search time.

Regarding claim 13, Wynblatt discloses the mobile terminal accessing link from an Internet with a website address (fig.2) which means the link is a wireless access protocol resource identifier.

Regarding claims 14-16, Wynblatt does not specifically disclose a HTML, a SMS, a bluetooth.

Ausems discloses the system implemented a HTML (paragraphs 53, 57), a SMS (paragraphs 61, 67), a bluetooth (paragraphs 42, 47, 64).

Regarding claim 17, Wynblatt discloses the mobile terminal wireless receiving service links from a local agent (fig.2), which means the network inherently including a WLAN.

Regarding claims 18-19, Wynblatt and Ausems do not specifically disclose the short range wireless network employs UWB and RFID.

It should be noted that the short range transmission as a bluetooth of Ausems is obviously used an UWB and employed in a RFID which is known to those skilled in the art to in order to improve the transmission signal at a short distance.

***Allowable Subject Matter***

8. Claims 20-37, 39, 41 are allowed.

Regarding claims 20, 39, and 41, the prior art of record does not specifically disclose replacing an earlier stored remote service link with the recently received remote service link when the identifier corresponding to the recently remote service link is the same as an identifier corresponding to the earlier stored remote service link.

Regarding claims 21-37, these claims are allowed as being dependent upon independent claims that have been allowed.

9. Claims 8-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art of record does not specifically disclose replacing an earlier stored remote service link with the recently received remote service link when the identifier corresponding to the recently remote service link is the same as an identifier corresponding to the earlier stored remote service link.

Regarding claim 9, this claim is objected as being dependent upon independent claims that have been allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-

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7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

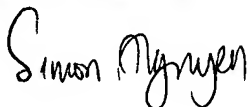
(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Knox building,  
501 Dulany, Alexandria, VA.

Simon Nguyen

May 27, 2005

**SIMON NGUYEN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Simon Nguyen".